

NON-DISCRETIONARY PROJECTS, 1998

Proposed Rule Language

TEXT OF MODIFIED REGULATIONS

[from October 12, 1999]

Amend 1052(a) Emergency Notice

(a) Before cutting or removing timber on an emergency basis, an RPF on behalf of a timber owner or operator shall submit a Notice of Emergency Timber Operations to the Director, ~~in a~~ on form RM-67 (9/99) as prescribed by the Director. ~~Said notice shall contain a declaration, made under penalty of perjury, that a bona fide emergency exists which requires emergency timber operations.~~ The notice shall include, but not be limited to, the following:

(~~a~~1) Names and addresses of all timberland owner(s), timber owner(s), and timber operator(s) for the area on which timber will be cut or removed.

(~~b~~2) A description of the specific conditions that constitute the emergency, its cause, extent and reason for immediate commencement of timber operations.

(~~c~~3) Legal description of the area from which timber will be cut or removed.

(~~d~~4) ~~A map of suitable scale~~ A titled USGS (if available) or equivalent topographic map(s) of scale not less than 2" to the mile, or larger scale, showing the area from which timber will be cut or removed, the legal description, roads and Class I, II, III and IV watercourses, and yarding systems if more than one will be used.

(~~e~~5) Yarding system ~~Harvesting method~~ to be ~~followed~~ used.

(~~f~~6) The expected dates of commencement and completion of timber operations.

(7) A declaration by the RPF, made under penalty of perjury, that a bona fide emergency exists which requires emergency timber operations.

(~~g~~8) Name, address, license number, and signature of the RPF who prepares the notice and submits it to the Director on behalf of the timber owner or operator. ~~Timber operations pursuant to an emergency notice shall comply with the rules and regulations~~

1 ~~of the Board, except where, upon agreement between the RPF and the Department, waiver~~
2 ~~of a rule would better mitigate the causes of a nonfinancial emergency. A person~~
3 ~~conducting timber operations under an Emergency Notice shall comply with all~~
4 ~~operational provisions of the Forest Practice Act and District Forest Practice Rules~~
5 ~~applicable to "Timber Harvest Plan", "THP", and "plan".~~

6 ~~Timber operations pursuant to an Emergency Notice may not commence for five working~~
7 ~~days from the date of the Director's receipt of the Emergency Notice unless such~~
8 ~~waiting period is waived by the Director. The Director shall determine whether the~~
9 ~~emergency notice is complete. If it is found to be complete the Director shall send a~~
10 ~~copy of a notice of acceptance to the timberland owner. If the Emergency Notice is~~
11 ~~not complete it shall be returned to the submitter. If the Director does not act~~
12 ~~within five working days of receipt of the Emergency Notice, timber operations may~~
13 ~~commence. Timber operations shall not continue beyond 120 days after the Emergency~~
14 ~~Notice is accepted by the Director unless a plan is submitted to the Director and~~
15 ~~found to be in conformance with the rules and regulations of the Board.~~

16 (h~~9~~) For Emergency Notices covering three acres or more in size, a Confidential
17 Archaeological Letter that includes all information required by Section 929.1
18 [949.1,969.1] (b)(2), (6), (7), (8) and (10), including site records, if required
19 pursuant to 929.1[949.1, 969.1](f). This Confidential Archaeological Letter shall be
20 included with the submittal of the Emergency Notice to the Director. The RPF or
21 supervised designee shall also submit a complete copy of the Confidential
22 Archaeological Letter and two copies of any required archaeological or historical site
23 records, to the appropriate Information Center of the California Historical Resource
24 Information System within 30 days from the date of Emergency Notice submittal to the
25 Director.

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27 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference:
Section 4592, Public Resources Code

1 **Amend 1104.1(a)(2)(E) and (H) Conversion Exemptions**

2
3 (E) Timber operations ~~shall not~~ may be conducted during the winter period. ~~unless the~~
4 ~~winter period operating plan, or in lieu, practices specified in 14 CCR 914.7, 934.7,~~
5 ~~and 954.7, have been incorporated into the Notice of Conversion Exemption Timber~~
6 ~~Operations.~~ Tractor operations in the winter period are allowed under any of the
7 following conditions:

8 a1. During dry, rainless periods where saturated soils conditions, as defined in 14
9 CCR 895.1, are not present. Erosion control structures shall be installed on all
10 constructed skid trails and tractor roads prior to ~~the end of the day~~ sunset if the
11 National Weather Service forecast is a "chance" (30% or more) of rain ~~before the next~~
12 day, and prior to weekend or other shutdown periods within the next 24 hours.

13 b2. When ground conditions in the conversion exemption area and appurtenant roads
14 satisfy the "hard frozen" definition in 14 CCR 895.1.

15 c3. Over-snow operations where no soil disturbance occurs.

16
17 (H) No sites of rare, threatened or endangered plants or animals ~~or species of special~~
18 ~~concern~~ shall be disturbed, threatened or damaged and no timber operations shall occur
19 within the buffer zone of a sensitive species as defined in 14 CCR 895.1.

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21 Note: Authority cited: Sections 4551, 4553, 4584, ~~4627~~ and 4628, Public Resources
22 Code. Reference: Sections 4512, 4513, ~~4627~~, 4628 and 4584, Public Resources Code.

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25 doh: 10/12/99
26 File: 15 day text Oct 99
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